In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 7944 of 2005

Date of Decision: 20.04.2007

Rajinder Paul

…Petitioner

Versus

Managing Director, Pepsu Road Transport Corporation, Patiala and another

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. R.S. Chauhan, Advocate,
for the petitioner.

Mr. Harsh Aggarwal, Advocate,
for the respondents.

JUDGMENT

M.M. KUMAR, J.

The petitioner, who is a retired employee of the Pepsu Road Transport Corporation, has filed the instant petition under

Article 226 of the Constitution of India for quashing order dated 19.9.2000 (P-2) whereby the pay of the petitioner has been re-fixed, as well as the order dated 6.8.2001 (P-3), whereby respondent No. 1 has ordered recovery of excess amount paid to the petitioner from his pension in monthly instalments of Rs. 1000/- and further directed that the petitioner would be entitled for pension and other retrial benefits in view of his revised pay fixation. The petitioner has asserted that due to the aforementioned action of the respondents his pension has been reduced. Further relief has been sought directing the respondents to re-fix/restore the pay of the petitioner to the level he was drawing earlier and the same be brought at par with that of his junior Gurnam Singh and thereafter to release all retrial and benefits viz. commuted value of pension, gratuity, monthly pension, DCRG etc. by calculating the same on the basis of his actual last pay drawn. The petitioner has also claimed that all arrears of pay/retrial benefits may be released to him with interest @ 18% per annum.

After hearing learned counsel for the parties and perusing the record with their assistance we find that for the reliefs claimed in the instant petition, the petitioner has already represented to the respondents on 9.7.2004 (P-6) and subsequently a legal notice dated 11.8.2004 (P-7) was also served upon the respondents. The aforementioned representation and legal notice have not been decided by the respondents by passing a speaking order.

In view of above, without going into the merits of the case, we deem it just and appropriate to direct the respondents to take

cognizance of the representation and legal notice (Annexures P-6 and P-7) sent by the petitioner and decide the same expeditiously preferably within a period of two months from the date a certified copy of this order is presented to them. It shall be appreciated if a speaking order is passed. If the claim of the petitioner is found to be meritorious and decided in his favour then all the benefits be released to him forthwith.

The writ petition stands disposed of in the above terms.

(M.M. KUMAR)
JUDGE

(RAJESH BINDAL)
JUDGE

April 20, 2007
Pkapoor